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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,922	06/13/2000	Robert A. Jacobs	5038-46	7879

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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,922

Applicant(s)

JACOBS, ROBERT A.

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/18/04 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 6,195,680 by Goldszmidt et al in view of US Patent No 6,633,961 by Takada et al.

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In claim 1, Goldszmidt teaches about an audio sources broadcast over a network, the method comprising (Fig 6), (Col 1, lines 55-67):

but does not explicitly teach about separately buffering multiple audio streams “data” within one device “buffer apparatus” wherein the audio streams are transmitted across the network from multiple different audio sources “data of different types” so as to reduce delay when audio sources are changed.

This approach is well known in the art and was used to minimize the delay experienced when switch from one source to a next source by Takada (Col 4, lines 55-67). In his disclosure, Takada teaches about a “buffer apparatus”, which is one device that contains a plurality of buffers for different data type (This include data similar to the audio streams taught by Goldszmidt) (Fig 1), (Col 6, line 50- Col 7, line 15). The purpose of this arrangement as disclose by Takada was to reduce insertion delay when changing source.

It would have been obvious at the time of the invention for some one of ordinary skill to use the above approach to reduce the delay experienced when switch from one source to a next while surfing the internet.

In retrieving data on the internet, there is always a delay and in the case of an internet radio, such delay is undesirable. In conventional radio with digital tuner the transition from one station to another is seamlessly done. To maintain this feature and thus give a user a convectional radio feel, an internet radio has to reduce the change over delay to a minimum. This is achieved by using this approach.

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In claim 2, Goldszmidt combined with Takada, teaches about a method of claim 1, the method further comprising selecting one of the multiple audio streams using a stream selector “buffer controller” (Takada Col 6, lines 50-65).

In claim 3, Goldszmidt combined with Takada, teaches about a method of claim 1, the method further comprising routing each of the multiple audio streams to a stream receiver operable to maintain connection with the audio source from which the streams came (Col 3, lines 45-55).

In claim 4, Goldszmidt combined with Takada, teaches about a method of claim 3, the method further comprising delivering the selected one of the multiple audio streams as audio output signals-to a user (Goldszmidt Col 3, lines 1-55).

In claim 5, Goldszmidt combined with Takada, teaches about a method of claim 1 wherein buffering of the multiple audio streams is accomplished by one of the group comprised of a computer having browsing software “Netscape browser” , and an Internet radio receiver “BAMBA” (Fig 3d), (Goldszmidt Col 12, line 45-Col 13, line 15).

In claim 6, Goldszmidt combined with Takada, teaches about a method of claim 2 wherein selecting one of the multiple audio streams is accomplished with one of the group comprised of predefined user inputs (potential future input), and a present user input (present input) (Takada Col 7, lines 1-15).

In claim 7, Goldszmidt combined with Takada, teaches about an Internet radio receiver operable to switch between multiple audio sources and deliver radio receiver output to a user, the receiver comprising (Goldszmidt Col 3, lines 1-10):

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a stream manager “buffer apparatus” operable to receive and buffer the multiple Internet audio streams from multiple internet radio sources “different data type” and to select one of the multiple Internet radio sources (Covered in claim 1).

In claim 8, Goldszmidt combined with Takada, teaches about a receiver of claim 7 wherein the receiver further comprises a connector operable to communicate with the multiple internet radio sources (Fig 1), (Takada Col 6, lines 50-67) (Covered in claim 1).

In claim 9, Goldszmidt combined with Takada, teaches about a receiver of claim 8, wherein the connector is one of a group comprised of a modem cable, a wireless receiver, a power line, and a network cable (Goldszmidt Col 17, lines 20-35).

In claim 10, Goldszmidt combined with Takada, teaches about a receiver of claim 9 wherein the receiver further comprises an interface “transmission medium” between the connector and the stream manager “buffer apparatus” (Fig 1), (Takada Col 6, line 50- Col 7, line 15).

In claim 11, Goldszmidt combined with Takada, teaches about a receiver of claim 10, wherein the interface is one of a group comprised of a modem, a network interface card, a power line data interface and a wireless modem (Goldszmidt Col 17, lines 20-35).

In claim 12, Goldszmidt combined with Takada, teaches about a receiver of claim 7 further comprising at least one speaker operable to present the one of the multiple audio sources to a user as audio output signals (Goldszmidt Col 1, lines 55-67). (Internet radio has to have a speaker in order to operate)

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In claim 13, Goldszmidt combined with Takada, teaches about a receiver of claim 7 further comprising a display operable to display “video” an identifier of a selected one of the multiple audio sources (Goldszmidt Col 1, lines 55-67).

In claim 14, Goldszmidt combined with Takada, teaches about a receiver of claim 7 wherein the stream manager further comprises:

a) multiple stream receivers each operable to receive one of the multiple audio streams (Covered in claim 1);

b) corresponding stream buffers each operable to receive data from one of the multiple stream receivers (Covered in claim 1);

c) a stream selector operable to select one of the multiple audio sources as output to a user (Covered in claim 1).

In claim 15, Goldszmidt combined with Takada, teaches about an article comprising:

a) a storage medium, the storage medium having stored thereon instructions, that, when executed by a computing device, result in (Fig 1): (control program that operates buffer apparatus)

i) reception of multiple audio streams from multiple different audio sources using a stream receiver in device for the multiple audio sources (Covered in claim 1);

ii) buffering of the multiple audio streams received from the stream receivers (Covered in claim 1); and

iii) selection of one of the multiple audio sources and to produce audio output signals (Covered in claim 1).

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In claim 16, Goldszmidt combined with Takada, teaches about an article of claim 15 wherein said computing device comprises a personal computer (Goldszmidt Col 17, lines 20-35).

In claim 17, Goldszmidt combined with Takada, teaches about an article of claim 15 wherein said computing device comprises an Internet radio receiver having a processor (Goldszmidt Col 17, lines 20-35). (To compute a processor has to be present)

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No 6,470,390 by Murase et al, teaches about an apparatus for and a method of creating and conveying an interactive audiovisual work

US Patent No 6,557,067 by James et al, teaches about a system and method to effectively compensate for delays in an electronic interconnect.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (703)308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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